

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TERESA DONNELL and
HARVEY DONNELL,

PLAINTIFFS,

VS

KOHLER COMPANY and
GEORGE ROGERS, individually

DEFENDANTS.

Case No. 1-05-1139TAm
JURY DEMANDED

FILED BY *S*
05 JUL 28 PM 3:53
CLERK OF U.S. DIST. CT
W.D. OF TN-JACKSON

MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO DEFENDANTS' RULE 12(b) MOTION TO DISMISS

Come now Defendants, TERESA DONNELL and HARVEY DONNELL, and move this Court for an Order extending Plaintiffs' time to file a response to Defendants' Rule 12(b) Motion to Dismiss and would state and show unto the Court as follows:

1. C. Mark Donahoe, co-counsel for the Plaintiffs has been unable to file a response Defendant's motion due to a severe accident involving counsel's father.
2. Counsel's father was involved in a very serious tractor-18 wheeler truck accident on June 14, 2005. As a result of the accident, he has sustained multiple life-threatening injuries and he is currently in the Intensive Care Unit at Jackson-Madison County General Hospital.
3. Counsel's father is still in critical condition and we have been told that his condition is basically hour to hour.
4. Counsel is responsible for making the medical treatment decisions with regard to father.

FILED BY
JUL 12 2005

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN-Jackson

MOTION GRANTED

DATE: 11 July 2005

James D. Todd
James D. Todd
U.S. District Judge

*Extension of
30 days
07-13-05 Granted
J. Todd*

5. Counsel's also responsible for trying to manage and maintain the status on his father's various businesses.
6. As a result of this unforeseen accident, Counsel is unable to properly prepare a response to Defendants' motion.
7. Defendants' counsel has been contacted and has no objection to this motion.

WHEREFORE, Plaintiffs' counsel move this Honorable Court for an extension of time in order to respond to Defendants' Rule 12(b) Motion to Dismiss.

Respectfully submitted,

HARDEE, MARTIN, DAUSTER & DONAHOE, P.A.

By: 
C. MARK DONAHOE BPR #14049

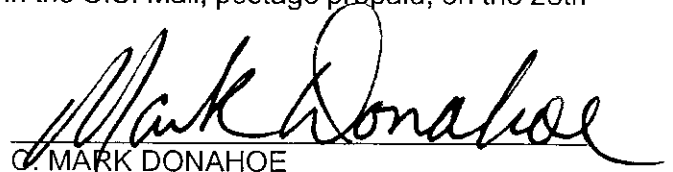
Co-counsel for Plaintiffs
P.O. Box 98
Jackson, TN 38302-0098
(731) 424-2151

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing has been served on:

W. Stephen Gardner
R. Joseph Leibovich
Young & Perl
Attorneys for Defendants
2380 One Commerce Square
Memphis, TN 38103

by hand delivery, facsimile and/or depositing same in the U.S. Mail, postage prepaid, on the 28th day of June, 2005.


C. MARK DONAHOE



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 1:05-CV-01139 was distributed by fax, mail, or direct printing on July 13, 2005 to the parties listed.

C. Mark Donahoe
HARDEE MARTIN DAUSTER & DONAHOE
P.O. Box 98
Jackson, TN 38302

Robert Joseph Leibovich
YOUNG & PERL
One Commerce Square
Ste. 2380
Memphis, TN 38103

W. Stephen Gardner
YOUNG & PERL, P.C.
One Commerce Square
Ste. 2380
Memphis, TN 38103

Honorable James Todd
US DISTRICT COURT